

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

LARRY HOLDER, <i>et al.</i> ,	:	Case No. 1:20-cv-757
	:	
Plaintiffs, for themselves and all	:	Judge Matthew W. McFarland
others similarly situated,	:	
	:	
v.	:	
	:	
A&L HOME CARE AND TRAINING	:	
CENTER, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	

STIPULATION AND ORDER REGARDING NOTICE TO POTENTIAL
COLLECTIVE MEMBERS

All parties to this case, by and through their respective counsel, jointly submit this stipulation regarding the provision of notice to potential class members, to avoid the cost and burden of discovery on these issues and consistent with the Court of Appeals' decision in this case.

1. The parties stipulate to the provision of notice to the potential class members, who are defined as:

Current and former hourly-paid employees of A&L Home Care and Training Center, LLC who are not subject to arbitration agreements and who after September 21, 2018: (1) worked more than 40 hours in a workweek and were required to travel to clients' homes; (2) worked more than 40 hours in a workweek and received shift differential pay; AND/OR (3) were required to travel to client's homes using their own vehicles.

Based on the review of the files of A&L Home Care and Training, LLC,

defendants represent that this potential collective consists of 23 individuals.

2. The Notice to the potential class members shall be substantially in the form of the attached Exhibit A.
3. Within 10 calendar days of the approval of this stipulation by the Court, defendants will produce to plaintiff's counsel a list of the full name, last known mailing address, last known email addresses, dates of employment, and position of the potential collective members. Plaintiff's counsel, in turn, will mail and email the notices to the potential collective members within 10 calendar days of receiving that list.
4. Potential collective members will have 45 days from the date notice is sent within which to opt in ("Opt-In Period"). With respect to individuals whose notices are returned as undeliverable, those individuals will have an additional 30 days to opt-in from the date of the returned notice or the original 45 days, whichever is greater ("Extended Opt-In Period").
5. By entering into this stipulation, defendants do not waive any claims or defenses, or any claim or argument whether any individuals who opt into the case are similarly situated and/or whether the matter can proceed as a collective pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b).
6. Promptly following the close of the opt-in period or extended opt-in period, the parties will report to the Court regarding the status of the matter and steps to resolve any outstanding issues.

Respectfully submitted,

/s/ Greg R. Mansell (w/permission)

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Attorneys for Defendants

APPROVED:



Judge Matthew W. McFarland

12/12/23

Date

NOTICE OF RIGHTS

Holder, et al. v. A&L Home Care and Training Center, LLC, et al.
United States District Court, Southern District of Ohio, Western Division

TO: Current and former hourly-paid employees of A&L Home Care and Training Center, LLC who are not subject to arbitration agreements and who after September 21, 2018 : (1) worked more than 40 hours in a workweek and were required to travel to clients' homes; (2) worked more than 40 hours in a workweek and received shift differential pay; AND/OR (3) were required to travel to client's homes using their own vehicles.

RE: A&L Home Care and Training Center, LLC – Unpaid Wage Claims

IMPORTANT DEADLINE: [close of 45-day opt-in period]

A COURT AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.

PLEASE READ THIS NOTICE CAREFULLY

I. INTRODUCTION

The Fair Labor Standards Act (FLSA) protects the rights of hourly employees to be compensated at no less than minimum wage for each hour worked. In addition, these laws protect the right of employees to be paid overtime at a rate of one and one-half times their regular rate of pay for all hours worked in excess of 40 per week. A worker may bring an action on his or her own behalf and on behalf of similarly situated employees. The worker(s) who bring the lawsuit is called a plaintiff, and those who are sued are called defendants. The right to be paid exists even for small amounts of unpaid time.

The purpose of this Notice is to inform you of the existence of a lawsuit against A&L Home Care and Training Center, LLC and your rights related to that lawsuit. The Court neither encourages nor discourages the individuals from joining the lawsuit.

II. DESCRIPTION OF THE LAWSUIT

Plaintiffs Larry Holder, Calvin Marcum, and Jessica Vanwinkle (the "Plaintiffs") allege that A&L Home Care and Training Center, LLC failed to pay employees properly. Specifically, the Plaintiffs claim that non-exempt, hourly employees did not get paid at least minimum wage for all hours worked and did not get paid overtime at a rate of one and one-half times their regular rate of pay for all hours worked in a workweek in excess of 40. As a result, the Plaintiffs are requesting the unpaid minimum and overtime wages, as well as additional damages allowed by the law and attorneys' fees.

A&L Home Care and Training Center, LLC denies that it violated the FLSA. It asserts that it paid all employees properly under applicable law. The Court has not yet decided who will win the lawsuit.

III. YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

OPTION 1: OPT INTO THIS LAWSUIT: Join this lawsuit. Await the outcome. Give up the right to sue separately. By joining, you keep the possibility of getting money or benefits that may come from a trial or a settlement from any or all of the claims in this lawsuit, but will also be subject to the same result as other claimants if the case is dismissed. You give up any rights to sue A&L Home Care and Training Center, LLC separately about the same legal claims in this lawsuit.

OPTION 2: DO NOTHING: Give up the right to the possibility of getting money or benefits that may come from a trial or a settlement from any or all of the claims in this lawsuit. You retain the right to sue A&L Home Care and Training Center, LLC separately about the same claims in this lawsuit with or without your own attorney.

IV. NO RETALIATION PERMITTED

If you join this lawsuit, the law prohibits A&L Home Care and Training Center, LLC from retaliating against you as a result of your participation. The federal laws specifically prohibit an employer from taking any adverse employment action against an employee because he or she is seeking to enforce his or her right to these unpaid wages. The law protects current and former employees from retaliation regardless of whether they are ultimately determined to be entitled to compensation. Thus, whether the lawsuit is won or lost, every current or former employee who opts-in to the lawsuit is protected from retaliation.

V. DEFINITION OF THE CLASS

Plaintiffs assert their claims against A&L Home Care and Training Center, LLC on behalf of themselves and on behalf of other current and former employees who were paid on an hourly basis. If you received a copy of this notice in an envelope specifically addressed to you, A&L Home Care and Training Center, LLC records indicate that you fit one or more of the class definitions.

VI. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

We have been authorized by the United States District Court for the Southern District of Ohio to notify you, as a current or former hourly employee, of the lawsuit alleging A&L Home Care and Training Center, LLC violated wage and hours laws by failing to compensate employees at no less than minimum wage for all hours worked and at an overtime premium for hours worked over 40 in one workweek.

The Court's authorization to send this Notice does not reflect a judgment by the Court about whether any current or former hourly employees of A&L Home Care and Training Center, LLC is entitled to compensation. By establishing the collective class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims. Therefore, there is no money or benefits available now.

- **How do I join?**

To participate in this lawsuit, you need to fill out the enclosed form and mail it in the enclosed self-addressed stamped envelope.

The enclosed form and envelope must be post-marked by [close of 45-day opt-in period]. The form should be sent by mail, fax or email:

Mail:	Mansell Law LLC 1457 S High St. Columbus OH, 43207
Fax:	(614) 547-3614
Email:	Greg@MansellLawLLC.com

If you decide to join this suit, you will be bound by the settlement or judgment, whether it is favorable or not. If there is a favorable resolution, either by settlement or judgment, and you qualify, you will be entitled to some portion of the recovery. However, if you join the lawsuit, and the Court rules in favor of A&L Home Care and Training Center, LLC, you will be entitled to no relief.

As a party to this lawsuit, there is a possibility that you may be required to provide information about your employment with A&L Home Care and Training Center, LLC, answer written questions, produce documents and/or testify at a pre-trial deposition or at trial. Your legal team will work with you so that this process is as convenient for you as possible.

You will not be required to pay any legal fees. Plaintiffs' attorneys are being paid on a contingency fee basis, which means that, if there is no recovery, the attorneys will receive nothing. If there is a recovery, the attorneys will receive a part of any recovery obtained or may seek to obtain an award attorneys' fees under which they may receive a fee through a separate payment by A&L Home Care and Training Center, LLC.

By joining this lawsuit, you are designating the law firm and its attorneys identified below to represent your interest. In addition, by joining this lawsuit you will be bound by the judgment of the Court on all issues in this case, including the reasonableness of any settlement.

- **Will I be represented by a lawyer in this case?**

The law firm of Mansell Law LLC and its attorneys are the counsel representing the named Plaintiffs in this action. They are experienced in handling similar cases against other employers. Unless you choose your own lawyer or law firm, these attorneys will represent you in the action.

- **Want more information or have questions?**

You can contact the Plaintiffs' attorneys at:

Greg Mansell
Mansell Law LLC
1457 S High St.
Columbus, OH 43207
Phone: (614) 796-4325
Email: Greg@MansellLawLLC.com

**PLEASE DO NOT ATTEMPT TO CONTACT THE COURT
REGARDING THIS LAWSUIT**

